

veras

Answers to Complaints

1:07-cv-11172-CLB Veras v. The City of New Rochelle et al
ECF, RELATED

U.S. District Court**United States District Court for the Southern District of New York****Notice of Electronic Filing**

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Case Name: Veras v. The City of New Rochelle et al
Case Number: 1:07-cv-11172
Filer: The City of New Rochelle
City of New Rochelle Police Department
Document Number: 9

Docket Text:

ANSWER to Complaint. Document filed by The City of New Rochelle, City of New Rochelle Police Department.(Meisels, Peter)

1:07-cv-11172 Notice has been electronically mailed to:

Peter Alexander Meisels peter.meisels@wilsonelser.com

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4a5ef707a80999a183ebc985ecd3684bfd1fa7e626462ef981f4b4de5e056]]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EDWIN VERAS,

Plaintiff,

Index No.:
07 CV 11172(CLB)

-against-

CITY OF NEW ROCHELLE, CITY OF NEW ROCHELLE
POLICE DEPARTMENT, ARAZ ALALI, and JOHN
and JANE DOE 1 through 10, individually and in their
capacities, (the names John and Jane Doe being fictitious,
as the true names are presently unknown),

ANSWER

Defendants.
-----X

Defendant City of New Rochelle (the "City") (s/h/a City of New Rochelle and
City of New Rochelle Police Department), by its attorneys, Wilson, Elser, Moskowitz,
Edelman & Dicker LLP, answering the complaint, respond as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth
of the allegations contained in ¶ 1 of the complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth
of the allegations contained in ¶ 2 of the complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth
of the allegations contained in ¶ 3, and respectfully refers all questions of law to the
Court.
4. Denies knowledge or information sufficient to form a belief as to the truth
of the allegations contained in ¶ 4, and respectfully refers all questions of law to the
Court.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 5 of the complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 6 of the complaint.
7. Admits the truth of the allegations contained in ¶ 7 of the complaint.
8. Denies the truth of the allegations contained in ¶ 8 of the complaint, except admits that the New Rochelle Police Department is a department of the City.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 9 of the complaint.
10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶10 of the complaint.
11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 11 of the complaint.
12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 12 of the complaint.
13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 13 of the complaint.
14. Denies the truth of the allegations contained in ¶ 14 of the complaint.
15. Denies the truth of the allegations contained in ¶ 15 of the complaint.
16. Denies the truth of the allegations contained in ¶ 16 of the complaint.
17. The City repeats each and every response above as if fully set forth herein.
18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 18 of the complaint.

19. Denies the truth of the allegations contained in ¶ 19 of the complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 20 of the complaint.

21. Denies the truth of the allegations contained in ¶ 21 of the complaint.

22. Denies the truth of the allegations contained in ¶ 22 of the complaint.

23. The City repeats each and every response above as if fully set forth herein.

24. Denies the truth of the allegations contained in ¶ 24 of the complaint.

25. Denies the truth of the allegations contained in ¶ 25 of the complaint.

26. The City repeats each and every response above as if fully set forth herein.

27. Denies the truth of the allegations contained in ¶ 27 of the complaint.

28. Denies the truth of the allegations contained in ¶ 28 of the complaint.

29. Denies the truth of the allegations contained in ¶ 29 of the complaint.

30. The City repeats each and every response above as if fully set forth herein.

31. Denies the truth of the allegations contained in ¶ 31 of the complaint.

32. Denies the truth of the allegations contained in ¶ 32 of the complaint.

33. The City repeats each and every response above as if fully set forth herein.

34. Denies the truth of the allegations contained in ¶ 34 of the complaint.

35. Denies the truth of the allegations contained in ¶ 35 of the complaint.

36. The City repeats each and every response above as if fully set forth herein.

37. Denies the truth of the allegations contained in ¶ 37 of the complaint.

38. Denies the truth of the allegations contained in ¶ 38 of the complaint.

39. The City repeats each and every response above as if fully set forth herein.

40. Denies the truth of the allegations contained in ¶ 40 of the complaint.

41. The City repeats each and every response above as if fully set forth herein.

42. Denies the truth of the allegations contained in ¶ 42 of the complaint.

43. Denies the truth of the allegations contained in ¶ 43 of the complaint.

44. The City repeats each and every response above as if fully set forth herein.

45. Denies the truth of the allegations contained in ¶ 45 of the complaint.

46. Denies the truth of the allegations contained in ¶ 46 of the complaint.

47. Denies the truth of the allegations contained in ¶ 47 of the complaint.

48. Denies the truth of the allegations contained in ¶ 48 of the complaint.

49. Denies the truth of the allegations contained in ¶ 49 of the complaint.

50. Denies the truth of the allegations contained in ¶ 50 of the complaint.

51. Denies the truth of the allegations contained in ¶ 51 of the complaint.

52. Denies the truth of the allegations contained in ¶ 52 of the complaint.

53. Denies the truth of the allegations contained in ¶ 53 of the complaint.

54. The City repeats each and every response above as if fully set forth herein.

55. Denies the truth of the allegations contained in ¶ 55 of the complaint,

except admits that the City received a document purporting to be a notice of claim and respectfully refers the Court to the document itself for its contents.

56. Denies the truth of the allegations contained in ¶ 56 of the complaint,

except admits that the City has made no payment to plaintiff in reference to the claims included in his complaint.

57. Denies the truth of the allegations contained in ¶ 57 of the complaint.

58. Denies the truth of the allegations contained in ¶ 58 of the complaint.

59. Denies the truth of the allegations contained in ¶ 59 of the complaint, and respectfully refers all questions of law to the Court.

60. The City repeats each and every response above as if fully set forth herein.

61. Denies the truth of the allegations contained in ¶ 61 of the complaint.

62. Denies the truth of the allegations contained in ¶ 62 of the complaint.

63. The City repeats each and every response above as if fully set forth herein.

64. Denies the truth of the allegations contained in ¶ 64 of the complaint.

65. Denies the truth of the allegations contained in ¶ 65 of the complaint.

66. The City repeats each and every response above as if fully set forth herein.

67. Denies the truth of the allegations contained in ¶ 67 of the complaint.

68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 68 of the complaint.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 69 of the complaint.

70. Denies the truth of the allegations contained in ¶ 70 of the complaint.

71. Denies the truth of the allegations contained in ¶ 71 of the complaint.

72. The City repeats each and every response above as if fully set forth herein.

73. Denies the truth of the allegations contained in ¶ 73 of the complaint.

74. Denies the truth of the allegations contained in ¶ 74 of the complaint.

75. The City repeats each and every response above as if fully set forth herein.

76. Denies the truth of the allegations contained in ¶ 76 of the complaint.

77. Denies the truth of the allegations contained in ¶ 77 of the complaint.

78. The City repeats each and every response above as if fully set forth herein.

- 79. Denies the truth of the allegations contained in ¶ 79 of the complaint.
- 80. Denies the truth of the allegations contained in ¶ 80 of the complaint.
- 81. The City repeats each and every response above as if fully set forth herein.
- 82. Denies the truth of the allegations contained in ¶ 82 of the complaint.
- 83. Denies the truth of the allegations contained in ¶ 83 of the complaint.
- 84. The City repeats each and every response above as if fully set forth herein.
- 85. Denies the truth of the allegations contained in ¶ 85 of the complaint.
- 86. The City repeats each and every response above as if fully set forth herein.
- 87. Denies the truth of the allegations contained in ¶ 87 of the complaint.
- 88. The City repeats each and every response above as if fully set forth herein.
- 89. Denies the truth of the allegations contained in ¶ 89 of the complaint, and

respectfully refers all questions of law to the Court.

- 90. Denies the truth of the allegations contained in ¶ 90 of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

- 91. Plaintiff's claims are time-barred.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

- 92. Plaintiff failed to serve a timely notice of claim as to each claim asserted in his complaint.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

- 93. If, as plaintiff alleges, his rights were violated, such violations did not occur as the result of any custom or policy of the City.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

94. There was probable cause to arrest and prosecute the plaintiff.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

95. The criminal prosecution against plaintiff was not resolved in his favor on the merits of the charges.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

96. Plaintiff fails to state a claim for which this Court may grant relief.


WHEREFORE, the City of New Rochelle requests judgment:

1) dismissing the complaint.

2) awarding the costs, disbursements and attorneys fees incurred in the defense of this matter.

Dated: White Plains, New York
January 23, 2008

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for the City of New Rochelle

By: 

Peter A. Meisels (PM-5018)

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